

Thomas-Jensen Affirmation

Exhibit # 93

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE UNITED STATES, et al.,

Defendants.

C.A. No. 1:25-cv-00039

**DECLARATION OF MELISSA A. CLAYTON IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Melissa A. Clayton, hereby declare:

1. I am the Director of the Bureau of State Accounting Operations within the Office of the New York State Comptroller ("OSC").

2. The Comptroller is the head of the department of audit and control (NY Constitution Article V, §4) and New York's chief fiscal officer. OSC's duties and responsibilities include auditing all vouchers before payment and all official accounts, auditing the accrual and collection of revenues and receipts, and prescribing such methods of accounting as are necessary for the performance of the foregoing duties (Article V, §1).

3. The Bureau of State Accounting Operations ("Bureau") is responsible for managing the accounting records of the State, including appropriations, tax collections, refunds, state revenues, and federal grants. BSAO is also responsible for the cash management operations of the State, ensuring there is adequate cash resources for daily State payments.

4. The Federal Billing and Project Section of the Bureau establishes and monitors project, grant, and federal contract billing records and executes the daily draw down of federal funds to finance State-administered federal programs.

5. I write this declaration to attest to disruptions we experienced from January 27, 2025 through February 5, 2025 in facilitating the draw down of federal funds for New York State agencies. Some of these have resolved but the issues described herein persisted until February 5, 2025.

6. We had a delay in receiving all Payment Management System (PMS) draws of a combined \$73,660,032.94 requested on Monday, January 27, 2025, which we generally expect to receive within a day. We received none of this until we received a part of the total—\$2,186,475.22—on January 29, 2025.

7. As of February 5, 2025, the State had not received \$329,451,924.46 in draws from U.S. Department of Homeland Security (DHS) disaster grants. These normally would have been received the day after they were drawn:

Draw Date	Deposit ID	Amount
1/29/2025	DHSES2064	\$18,081,556.83
1/29/2025	DHSES2061	\$58,945,662.36
1/29/2025	DHSES2068	\$2,098,239.22
1/29/2025	DHSES2069	\$166,098,742.59
1/29/2025	DHSES2066	\$28,525,412.13
1/30/2025	DHSES2065	\$18,549,012.60
1/30/2025	DHSES2070	\$11,758,023.04
1/31/2025	DHSES2071	\$1,311,960.95
1/31/2025	DHSES2073	\$6,407,207.97
1/31/2025	DHSES2072	\$1,196,902.14
2/3/2025	DHSES2074	\$14,666,230.24
2/3/2025	DHSES2076	\$1,812,974.39

There are a number of other draws that were still outstanding as of February 5, 2025:

Draw Date	Agency	Reference Award	Amount	CFDA
1/27/2025	DOT01	FAA - 3-36-0028-54-20	\$74,729.70	20.106 - Airport Improvement Program, Infrastructure Investment and Jobs Act Programs, and COVID-19 Airports Programs
1/27/2025	DOH01	23B04MC47435	\$556,553.13	93.994 Maternal and Child Health Services Block Grant to the States
1/31/2025	SED01	S425D210022	\$5,763,492.00	84.425 Education Stabilization Fund
1/31/2025	NCS01	21ACFNY001	\$623,620.44	94.006 AmeriCorps State and National
2/4/2025	DOT01	NY-2020-086	\$63,958.00	20.528 Rail Fixed Guideway Public Transportation System State Safety Oversight Formula Grant Program
2/4/2025	DOT01	NY-2020-026	\$21,130.00	20.528 Rail Fixed Guideway Public Transportation System State Safety Oversight Formula Grant Program
2/4/2025	DOT01	NY-2021-070	\$524,651.00	20.528 Rail Fixed Guideway Public Transportation System State Safety Oversight Formula Grant Program

8. We were having delays receiving funds drawn by same day wire. Two wires were requested during this period and both were received after 5PM, and thus too late to invest funds overnight.

9. Any award on PMS showing *Pending Review* was taking more than a day to arrive, even for those that, before 01/27/2025, we would historically receive the next day.

10. Department of Health (DOH) grants drawn from the Automated Standard Application for Payments (ASAP) draw system were temporarily suspended on January 27, 2025.

11. As of February 5, 2025, we were still unable to draw funding on ASAP from the Drinking Water State Revolving Fund or funds awarded for National Cooperative Geologic Mapping although these funds did not appear in ASAP as currently suspended. Grant funding for the Earth Mapping Resources initiative is appearing as suspended on ASAP.

12. Some State Administrative Matching Grants for the Supplemental Nutrition Assistance Program (SNAP) were still suspended in ASAP as of February 5, 2025. These funds go to the New York Office of Temporary and Disability Assistance.

202424Q390344 – from US_AGRICULT – CFDA – 10.561 - State Administrative Matching Grants for the Supplemental Nutrition Assistance Program
202424S252044 – from US_AGRICULT – CFDA – 10.561 - State Administrative Matching Grants for the Supplemental Nutrition Assistance Program
202424S251944 - from US_AGRICULT – CFDA – 10.561 - State Administrative Matching Grants for the Supplemental Nutrition Assistance Program

13. Were New York State unable to continue to receive any of these funds, the harm to state finances would be significant. The funding described above reimburses the state for funding already spent. In other words, the State would have to cover the entire amount of funding frozen. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 6th day of February, 2025, in Albany, New York.

Melissa A Clayton

Melissa A. Clayton

